

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Raquel Velasquez	Team: Squad #12	CCRB Case #: 201705341	<input type="checkbox"/> Force <input checked="" type="checkbox"/> Discourt. <input type="checkbox"/> U.S. <input type="checkbox"/> Abuse <input type="checkbox"/> O.L. <input type="checkbox"/> Injury
Incident Date(s) Friday, 06/30/2017 11:12 AM	Location of Incident: Delancey Street and Clinton Street	18 Mo. SOL 12/30/2018	Precinct: 07
Date/Time CV Reported Fri, 06/30/2017 4:49 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 06/30/2017 4:49 PM

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Theresa Martinez	28050	927636	007 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Theresa Martinez	Discourtesy: Police Officer Theresa Martinez spoke discourteously to § 87(2)(b)	
B.POF Theresa Martinez	Discourtesy: Police Officer Theresa Martinez acted discourteously toward § 87(2)(b)	

### Case Summary

§ 87(2)(b) filed this complaint with the CCRB via the online website on June 30, 2017.

On June 30, 2017, at approximately 11:12 a.m., Police Officer Theresa Martinez, from the 7<sup>th</sup> Precinct, stopped the vehicle occupied by § 87(2)(b) at Delancey Street and Clinton Street in Manhattan for using a cellphone while the vehicle is in motion. PO Martinez asked § 87(2)(b) for her license and registration. § 87(2)(b) provided a PBA card along with her documentation to PO Martinez. PO Martinez took the documentation and looked through them. Upon seeing the PBA card, PO Martinez allegedly stated, “I can’t give you the courtesy. This shit is not good” (**Allegation A**). PO Martinez then allegedly threw the PBA card into § 87(2)(b)’s vehicle and the PBA card landed on the car floor (**Allegation B**).

§ 87(2)(b) was issued a summons for using a cellphone while the vehicle is in motion (**Board Review 01**).

There is no video evidence of this incident.

### Mediation, Civil and Criminal Histories

- § 87(2)(b) rejected mediation.
- Results regarding a Notice of Claim are pending (**Board Review 02**).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]  
[REDACTED]

### Civilian and Officer CCRB Histories

- This is § 87(2)(b)’s first CCRB complaint (**Board Review 04**).
- Police Officer Theresa Martinez has been a member of the service for sixteen years and there are no substantiated CCRB allegations against her or relevant patterns.

### Findings and Recommendations

**Allegation A: Discourtesy- Police Officer Theresa Martinez spoke discourteously to § 87(2)(b)**

**Allegation B: Discourtesy- Police Officer Theresa Martinez acted discourteously toward**

§ 87(2)(b) stated that she was driving with both earphones in her ears. PO Martinez approached her vehicle, informed her why she was stopped, and asked for her license and registration. § 87(2)(b) handed PO Martinez her license, registration, and a PBA card. PO Martinez took the documentation and looked through them. Upon seeing the PBA card, PO Martinez stated, “I can’t give you the courtesy. This shit is not good.” PO Martinez then threw the PBA card into § 87(2)(b)’s vehicle and the PBA card landed on the car floor. PO Martinez walked away to the marked car. A few minutes later, PO Martinez returned to § 87(2)(b)’s vehicle and handed § 87(2)(b) her license, registration, and a summons for using a cellphone while the vehicle is in motion (**Board Review 05**).

PO Martinez stated that she was working alone and that she stopped § 87(2)(b)'s vehicle after observing § 87(2)(b) holding a cellphone in her right hand in front of her face. § 87(2)(b) did not have earphones in her ears. PO Martinez approached § 87(2)(b)'s vehicle and asked for her license and registration. § 87(2)(b) retrieved the documents and handed them to PO Martinez. § 87(2)(b) did not give PO Martinez a PBA card. PO Martinez did not throw any document, including a PBA card, into § 87(2)(b)'s vehicle. PO Martinez did not use profanity towards § 87(2)(b) or say "shit." PO Martinez did not say to § 87(2)(b) "I can't give you the courtesy. This shit is not good." PO Martinez took § 87(2)(b)'s documents, walked away to the marked car, and prepared a summons for using a cellphone while the vehicle is in motion. PO Martinez returned to § 87(2)(b)'s vehicle and gave the summons, license, and registration to § 87(2)(b). § 87(2)(b) took the items in her hand. PO Martinez walked away **(Board Review 06)**.

§ 87(2)(g)  
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Squad: **12**

Investigator:	_____	<u>Raquel Velasquez</u>	_____
	Signature	Print	Date
Squad Leader:	_____	<u>Lily Carayannis</u>	_____
	Title/Signature	Print	Date